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March 27, 2008

The Honorable Stephen Johnson
Administrator
Environmental Protection Agency
Office of Pesticide Programs Regulatory Public Docket (7502P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001
Docket no. EPA-HQ-OPP-2007-1008

Dear Administrator Johnson:

The American Academy of Pediatrics, a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical sub-specialists, and pediatric surgical specialists, urges the Environmental Protection Agency (EPA) not to allow third-party endorsements of products inherently dangerous to young children, pursuant to the Draft Guidance for Pesticide Registrants on Label Statements Regarding Third-Party Endorsements and Cause Marketing Claims published in the *Federal Register* on October 31, 2007.

Research has shown that young children—younger than 8 years—are cognitively and psychologically defenseless against advertising. They do not understand the notion of intent to sell and frequently accept advertising claims at face value.¹ The Academy therefore has grave concerns regarding any labeling of pesticide or potentially poisonous product with any beneficial philanthropic organization or any company or agency other than the product developer and distributor.

The Academy strongly oppose allowing third-party endorsements or cause marketing on such products because:

- Visual associations are well remembered. Endorsement of a potentially dangerous product by a health beneficial agency, such as the American Red Cross, presents a mixed message. In particular, children and adult with low literacy levels may be falsely reassured by the endorsement or symbols presented on the packaging, leading to product misuse.
- Visuals or symbols used in endorsements, such as cartoons, could be attractive to children and foster product misuse, including poisoning leading to death.
- Endorsement wording or symbols could be misleading to children or adults with low literacy, English as a second language, or no English skills. For example, the American Red Cross emblem could mislead one into thinking that bleach has medicinal uses. The EPA clearly recognizes the importance of labels not presenting false or misleading statements (40 CFR 156.10(a)(5) section c) and the importance of not presenting labeling that may mislead the purchaser (40 CFR 156.10(a)(5) section g). The labeling of a product with an endorsement could easily result in both problems.

- It will be impossible for EPA to evaluate the wide array of scenarios that will be encountered with potentially dangerous products. Thus, third party endorsements should be avoided so the conflict and need for such evaluations does not arise.

If EPA does rule in favor of allowing endorsements, strict steps must be taken to ensure transparency regarding all aspects of the endorsement or cause marketing process. An endorsement implies evaluation of product safety and efficacy, when in fact the transaction for endorsement may be based solely on payment. For any endorsement, the full transaction with evaluation steps by the company owning the product and the endorser should be public information and placed on a publicly available database by the EPA. All data on third party endorsement or cause marketing claims should be publicly available.

In conclusion, the American Academy of Pediatrics urges EPA not to permit third-party advertising or cause marketing on pesticides and similar products. The potential dangers to children and families far outweigh any benefits that such advertising could have. If the Academy may be of further assistance, please contact Cindy Pellegrini in our Washington, DC office at 202/347-8600.

Sincerely,



Renée R. Jenkins, MD, FAAP
President

RRJ:cp

¹ American Academy of Pediatrics Committee on Communications. Children, Adolescents and Advertising. *Pediatrics*, Vol. 118 No. 6 December 2006, pp. 2563-2569.